

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

|                      |   |                         |
|----------------------|---|-------------------------|
| <b>MARVEL JONES,</b> | ) | <b>CASE NO. 8:14CV1</b> |
|                      | ) |                         |
| <b>Petitioner,</b>   | ) |                         |
|                      | ) |                         |
| <b>v.</b>            | ) | <b>MEMORANDUM</b>       |
|                      | ) | <b>AND ORDER</b>        |
| <b>BRIAN GAGE,</b>   | ) |                         |
|                      | ) |                         |
| <b>Respondent.</b>   | ) |                         |

This matter is before the court on Petitioner’s Motion for Leave to Proceed in Forma Pauperis on Appeal. (Filing No. [18](#).) Petitioner was previously granted leave to proceed in forma pauperis. (Filing No. [7](#).) [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#) states:

(a) Leave to Proceed in Forma Pauperis. . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless . . . the district court – before or after the notice of appeal is filed – certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding[.]

[\*Id.\*](#) The court finds that, because Petitioner was previously given leave to proceed in forma pauperis, he may now “proceed on appeal in forma pauperis without further authorization” in accordance with Federal Rule of Appellate Procedure 24.

IT IS THEREFORE ORDERED that:

1. Petitioner’s Motion for Leave to Proceed in Forma Pauperis on Appeal (Filing No. [18](#)) is granted.
2. Petitioner’s Motion for Appointment of Counsel and Motion for Personal Recognizance Bond (Filing No. [20](#) and Filing No. [21](#)) are denied without prejudice to reassertion before the Eighth Circuit Court of Appeals. Although

Plaintiff filed these motions in this case, the case captions reflect that he intended to file them with the Eighth Circuit Court of Appeals.

DATED this 27<sup>th</sup> day of June, 2014.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge

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